

REMARKS**Summary of the Office Action**

In the Office Action, claim 5 stands rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification.

Claim 5 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,870,356 to *Ikeda et al.* (hereinafter "*Ikeda*").

Summary of the Response to the Office Action

Applicant respectfully submits that the specification is enabled and claim 5 is not indefinite. Applicant respectfully submits that no new matter has been introduced by this Preliminary Amendment. Claim 1 has been amended to correct an informality and claim 6 has been added to provide an alternative scope of protection. Applicant respectfully submits that all the claims are in form for allowance. Accordingly, claims 1-6 are pending and are submitted for further consideration.

The Rejection under 35 U.S.C. § 112, first paragraph

The Office Action rejects claim 5 under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time of the application was filed, had possession of the claimed invention. This rejection is respectfully traversed.

The Office Action takes the position that the specification “does not disclose at all that an actuator is operated or that after a thread drive signal is detected actuator drive signal is simultaneously input with release of the track function.” Applicant respectfully disagrees.

Applicant respectfully asserts that there is support for the above mentioned features at least at page 7, lines 14-18 of the specification. The language in the summary of the invention section described on page 7 comports with the language of claim 5 which recites “an actuator drive signal is simultaneously input with the release of the track-on function.” Thus, Applicant respectfully asserts that the “release of track-on” feature is fully enabled in the specification and that one of ordinary skill in the art will understand that these portions of the specification, when read in context with the entire specification, support claim 5. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 112, first paragraph, be withdrawn.

The Rejection under 35 U.S.C. § 112, second paragraph

Claim 5 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter for which the applicant regards as the invention. As mentioned above, claim 5 is supported in the specification at least at page 7, lines 14-18. Further, Applicant respectfully submits that the track-on function is not active at all times as alleged by the Office Action. The track-on function is utilized to center the pick-up head on the center of a predetermined track. See page 6, line 24 through page 7, line 18 of the specification. Thus, Applicant respectfully submits that claim 5 is in full compliance with 35 U.S.C. § 112, second paragraph. Accordingly, it is respectfully requested that all rejections under 35 U.S.C. § 112, second paragraph, be withdrawn.

All Subject Matter Complies With 35 U.S.C. § 102(b)

Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Ikeda*. This rejection is respectfully traversed for at least the following reasons.

Applicant respectfully submits that *Ikeda* does not disclose at least “a movement controller adapted to control said thread moving unit to start movement of said thread while controlling said lens moving unit to perform track-on control so that the lens of said pick-up head is located on a prescribed track, and thereafter when it is detected that said lens has deviated from said prescribed track by a prescribed amount or more owing to movement of said thread, starting the movement of said lens by said lens moving unit,” and “a movement controller adapted to control said thread moving unit to start movement of said thread and thereafter when it is detected that said lens has deviated from said prescribed track by a prescribed amount or more owing to movement of said thread, starting the movement of said lens by said lens moving unit,” features as recited in independent claims 1 and 2, respectively.

In the present invention, the beginning of movement of the thread occurs after the input of the driving kick signal to the thread is detected. At this time, the tracking servo is still active in the track-on state, and after the thread moves a predetermined amount, the tracking servo signal applied to the actuator increases gradually. See page 6, line 24 through page 8, line 2 and page 13, line 23 through page 14, line 14 of the specification. Even when dimensions or characteristics of the elements that constitute the thread varies, the actuator is operated during actual movement of the thread. See page 13, lines 15-22 of the specification.

This aspect of the present invention occurs when the actuator receives an increase tracking servo signal after the thread has traveled a prescribed distance. See T2 in Fig. 5 of the

present invention. Any irregularities in frictional resistance of the thread are overcome, such that the actuator may operate without being affected by the frictional resistance irregularities of the thread. The device is designed to minimize failure of the track jump operation. See at least page 7, line 13 through page 8, line 2 of the specification.

The Office Action states that all the claimed features are present in *Ikeda*, however, the “starting the movement of said lens by said lens moving unit,” feature which occurs during the movement of the thread is not present in *Ikeda*. *Ikeda* shows an optical storage apparatus which detects a lens position signal without using a lens position sensor. Without a lens position sensor, the optical storage apparatus can be made thinner. *Ikeda* teaches, among other things, that after a seek error is detected, the seek error processing unit turns on and activates either a high speed or low speed seek. See Abstract and col. 1, line 57 through col. 2, line 15 of *Ikeda*. In the high speed seek mode, the carriage is driven by the speed control of the VCM. In the low speed seek mode, the lens actuator is driven by the speed control of the lens actuator. In both instances, a lens lock control is necessary to operate both modes. The lens lock control positions the lens actuator to always keep the optical axial deviation of the objective lens to zero. See col. 2, lines 8-64 of *Ikeda*.

The *Ikeda* reference teaches away from the present invention by requiring that the lens actuator be locked in position for both high speed and low speed seek control modes. In contrast, the present invention “when it is detected that said lens has deviated from said prescribed track by a prescribed amount or more owing to movement of said thread, starting the movement of said lens by said lens moving unit,” is commenced. Thus, *Ikeda* teaches that the lens actuator must be locked or fixed in position, in sharp contrast to the present invention. See

also Fig. 14 and col. 21, line 57 through col. 22, line 43. As such, *Ikeda* cannot anticipate the present invention. Accordingly, Applicant respectfully requests that all rejections under 35 U.S.C. § 102(b) should be withdrawn.

As pointed out in MPEP § 2131, “[t]o anticipate a claim, the reference must teach every element of the claim.” “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Verdegaal Bros. v. Union Oil Co. Of California, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

Therefore, Applicant respectfully asserts that the rejection under 35 U.S.C. § 102(b) should be withdrawn because *Ikeda* does not teach or suggest each feature of independent claims 1 and 2.

In view of the above arguments, Applicant respectfully requests that the rejection of independent claims 1 and 2 under 35 U.S.C. § 102(b) be withdrawn. Additionally, claims 3-5, which depend from independent claims 1 and 2, are allowable at least because their base claims are allowable, as well as for the additional features recited therein. Thus, the reasons for the rejections in the Office Action are addressed and are moot in light of the above reasoned analysis.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: Mary Jane Boswell
Mary Jane Boswell
Reg. No. 33,652

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Customer No. 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, D.C. 20004
Tel.: (202) 739-3000